

# Development Management Delegated Decision Report

B/21/0059



## SUMMARY OF APPLICATION

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Application Reference	B/21/0059		
Application Type	Application for works affecting a TPO		
Proposal	Application for works to trees subject to a Tree Preservation Order (Kirton, Sutterton and Algarkirk No.1) to include:  T5 - Sycamore – crown reduce by 25% (up to 4m) T4 - Sycamore – crown reduce by 35% (up to 6m) T3 - Horse Chestnut – crown reduce by 35% (up to 6m)		
Location	79, London Road, Kirton, Boston, PE20 1JE		
Applicant	N-A		
Agent	Mr Darren Rush, Greenscape Tree Safe Ltd		
Received Date:	11-Feb-2021	Consultation Expiry Date:	
Valid Date:	15-Feb-2021	Statutory Expiry Date:	29-Mar-2021
Date of Site Visit:	11-Mar-2021	Extension of Time Date:	
Objections received?	None		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	REFUSE Consent		
Report by:	Simon Eldred		
Date:	15 <sup>th</sup> March 2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application concerns three mature trees located within the front garden to 79 London Road, Kirton, growing approximately 3m from the northern edge of London Road and behind a low yew hedge which defines the property's boundary onto the highway.

From the south-west to the north-east, they are:

- a sycamore, which is annotated as (I) on the photographs which accompany the application but is called T5 on the submitted Site Plan. This tree is located to the south-west of the dwelling's vehicular access and is estimated to have a height of approximately 18m and a crown spread of approximately 12m. It has a strongly vertical pattern of growth, and appears to be in good condition. [N.B. This tree is believed to be protected as T5 of the Kirton, Sutterton and Algarkirk Tree Preservation Order No. 1 (1957), and this numbering will be used in the remainder of this report];



- a sycamore, which is annotated as (II) on the photographs which accompany the application but is identified as a horse chestnut and called T3 on the submitted Site Plan. This tree is located to the north-east of the dwelling's vehicular access and is estimated to have a height of approximately 19m and a crown spread of approximately 10m. It has a strongly vertical pattern of growth, and appears to be in good condition. [N.B. This tree is believed to be protected as T4 of the Kirton, Sutterton and Algarkirk Tree Preservation Order No. 1 (1957), and this numbering will be used in the remainder of this report]; and
- a horse chestnut, which is annotated as (III) on the photographs which accompany the application, but is identified as a sycamore and called T4 on the submitted Site Plan. This tree is estimated to have a height of approximately 18m and a crown spread of approximately 10m. It has a strongly vertical pattern of growth, and appears to be in good condition. [N.B. This tree is believed to be protected as T3 of the Kirton, Sutterton and Algarkirk Tree Preservation Order No. 1 (1957), and this numbering will be used in the remainder of this report]

### **DETAILS OF PROPOSAL:**

It is proposed to:

- reduce the crown of the sycamore T5 by 25% (up to 4m);
- reduce the crown of the sycamore T4 by 35% (up to 6m); and
- reduce the crown of the horse chestnut T3 by 35% (up to 6m).

Those parts of the trees which are proposed to be removed are marked on the photographs which accompany the application, and the works will principally involve a reduction in the trees' heights, with reductions in the horizontal spread of their crowns only at a significant height above ground level.

These works are proposed:

- to increase the availability of sunlight to the property, which is being reduced by the merging the trees' crowns;
- to reduce the trees to the size of a fourth tree within the garden, providing a more 'balanced' appearance; and
- to increase safety for pedestrians and motorists using London Road.

### **RELEVANT HISTORY:**

B/13/0231 – consent was granted for works to raise/reduce the crowns of three sycamores and one horse chestnut.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The provisions of the Government's Planning Practice Guidance are of relevance. The Guidance states "in considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions."

### **CONSULTATION RESPONSES:**

No consultation responses have been received.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

The trees are all large in size and, thanks to their location close to the highway edge, they are highly visible from London Road. They contribute significantly and positively to the area's character and, although their individual significance in the street-scene is slightly reduced by the many other mature trees in the vicinity, they nonetheless have very significant public amenity value.

The proposed works will involve a substantial reduction to the trees' heights and to the horizontal spread of their canopies. It is considered that the proposed works will inevitably impact negatively upon the trees' public amenity value, and would harm the amenity of the area in general. Consequently, the proposed works must be well-justified, and the paragraphs which follow consider the arguments put forward in support of the proposals.

**Sunlight** – The trees are located towards the southern edge of a large front garden, which is predominantly given over to a gravel-surfaced parking/manoeuvring area and lawns. Notwithstanding that the trees' canopies have begun to merge, it is considered their strongly vertical pattern of growth means that they do not shade the garden to a degree that would cause substantive problems. Equally, it is considered that the trees are located sufficiently far from the dwelling to mean that their height and spread do not interfere unacceptably with the passage of light to windows serving habitable rooms - none of the trees is estimated to be located any closer than 10m of such a window.

**Visual balance** – It is certainly the case that the four mature trees growing in the front garden to 79 London Road show modest variation in their heights and crown spreads. However, it is not accepted that the trees' public amenity value would be enhanced by reducing the size of three of them.

**Safety of highway users** – Although the trees are growing within approximately 3m of the edge of London Road, they all have a strongly vertical pattern of growth. Consequently, it does not appear that they provide any obstacle to the passage of pedestrians along the footway or vehicles along the road. Nonetheless, the trees are undisputedly growing in a location where there are many potential 'targets' for anything falling from them. However, they all appear to be in good condition and their canopies showed no obvious signs of larger limbs having recently broken. The application raises no specific concerns about the trees' health or structural stability and, in these circumstances, it is not considered that this issue justifies the proposed works.

In all, and notwithstanding that it appears that consent has been previously been granted for similar works (under reference B/13/0231), it is considered that the proposed works would have a negative impact upon the amenities of the area and are not justified, having regard to the reasons and additional information put forward in support.

### **CONCLUSION:**

It is not considered that the reasons put forward provide a satisfactory justification for the proposed works.

**RECOMMENDATION:**

REFUSE Consent for the following reason:

1. The trees contribute significantly to the character and appearance of their wider surroundings, the proposed works would harm the amenity of the area, and the reasons put forward in support of the proposals are not considered to provide a satisfactory justification.